

AMENDED IN SENATE JULY 1, 2010  
AMENDED IN SENATE JUNE 23, 2010  
AMENDED IN SENATE JUNE 9, 2010  
AMENDED IN ASSEMBLY MAY 18, 2009  
AMENDED IN ASSEMBLY MAY 5, 2009  
AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 853**

---

**Introduced by Assembly Member Arambula**

February 26, 2009

---

An act to amend Sections 56425 and 56430 of, and to add Sections 56033.5 and 56650.1 to, the Government Code, relating to local government.

### LEGISLATIVE COUNSEL'S DIGEST

AB 853, as amended, Arambula. Local government: organization.

(1) The Cortese-Knox-Hertzberg Act of 2000 governs the organization and reorganization of local governmental entities, including, among other things, the annexation of island territories to a city or county.

The bill would require a board of supervisors, within 180 days of receiving a petition to apply for annexation to a city or reorganization that includes an annexation to a city, to adopt a resolution of application for an annexation to a city or reorganization that includes an annexation to a city if the affected territory meets specified conditions, thereby imposing a state-mandated local program.

(2) The Cortese-Knox-Hertzberg Act of 2000 requires a local agency formation commission to develop and determine the sphere of influence of each local governmental agency within the county and to enact policies designed to promote the logical and orderly development of areas within the sphere, and requires the commission, in preparing and updating spheres of influence to conduct a service review of the municipal services provided in the county or other area designated by the commission, and to prepare a written statement of its determinations with respect to the growth and population projections for the affected area, the present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies, financial ability of agencies to provide services, status of, and opportunities for, shared facilities, accountability for community service needs, including governmental structure, and operational efficiencies, as specified.

This bill would also require the agency to include in its written statement a determination with respect to the location and characteristics, including infrastructure needs or deficiencies, or any disadvantaged inhabited communities, thereby imposing a state-mandated local program. The bill would also require a commission, upon the review and update of a sphere of influence on or after July 1, 2010, to include in the review or update of each sphere of influence of a city or special district that provides public facilities or services related to sewers, nonagricultural water, or structural fire protection to include the present and probable need for public facilities and services of disadvantaged inhabited communities.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 56033.5 is added to the Government
- 2 Code, to read:
- 3 56033.5. “Disadvantaged inhabited community” means
- 4 inhabited territory, *as defined by Section 56046 or as determined*

1 *by commission policy*, that constitutes all or a portion of a  
2 “disadvantaged community,” as defined by Section 75005 of the  
3 Public Resources Code.

4 SEC. 2. Section 56425 of the Government Code is amended  
5 to read:

6 56425. (a) In order to carry out its purposes and responsibilities  
7 for planning and shaping the logical and orderly development and  
8 coordination of local governmental agencies to advantageously  
9 provide for the present and future needs of the county and its  
10 communities, the commission shall develop and determine the  
11 sphere of influence of each local governmental agency within the  
12 county and enact policies designed to promote the logical and  
13 orderly development of areas within the sphere.

14 (b) Prior to a city submitting an application to the commission  
15 to update its sphere of influence, representatives from the city and  
16 representatives from the county shall meet to discuss the proposed  
17 new boundaries of the sphere and explore methods to reach  
18 agreement on development standards and planning and zoning  
19 requirements within the sphere to ensure that development within  
20 the sphere occurs in a manner that reflects the concerns of the  
21 affected city and is accomplished in a manner that promotes the  
22 logical and orderly development of areas within the sphere. If an  
23 agreement is reached between the city and county, the city shall  
24 forward the agreement in writing to the commission, along with  
25 the application to update the sphere of influence. The commission  
26 shall consider and adopt a sphere of influence for the city consistent  
27 with the policies adopted by the commission pursuant to this  
28 section, and the commission shall give great weight to the  
29 agreement to the extent that it is consistent with commission  
30 policies in its final determination of the city sphere.

31 (c) If the commission’s final determination is consistent with  
32 the agreement reached between the city and county pursuant to  
33 subdivision (b), the agreement shall be adopted by both the city  
34 and county after a noticed public hearing. Once the agreement has  
35 been adopted by the affected local agencies and their respective  
36 general plans reflect that agreement, then any development  
37 approved by the county within the sphere shall be consistent with  
38 the terms of that agreement.

39 (d) If no agreement is reached pursuant to subdivision (b), the  
40 application may be submitted to the commission and the

1 commission shall consider a sphere of influence for the city  
2 consistent with the policies adopted by the commission pursuant  
3 to this section.

4 (e) In determining the sphere of influence of each local agency,  
5 the commission shall consider and prepare a written statement of  
6 its determinations with respect to each of the following:

7 (1) The present and planned land uses in the area, including  
8 agricultural and open-space lands.

9 (2) The present and probable need for public facilities and  
10 services in the area. Upon the next review and update of a sphere  
11 of influence that occurs pursuant to subdivision (g) on or after July  
12 1, 2011, the review and update of each sphere of influence of a  
13 city or special district that provides public facilities or services  
14 related to sewers, nonagricultural water, or structural fire protection  
15 shall include the present and probable need for public facilities  
16 and services of any disadvantaged inhabited communities.

17 (3) The present capacity of public facilities and adequacy of  
18 public services that the agency provides or is authorized to provide.

19 (4) The existence of any social or economic communities of  
20 interest in the area if the commission determines that they are  
21 relevant to the agency.

22 (f) Upon determination of a sphere of influence, the commission  
23 shall adopt that sphere.

24 (g) On or before January 1, 2008, and every five years thereafter,  
25 the commission shall review and update, as necessary, each sphere  
26 of influence.

27 (h) The commission may recommend governmental  
28 reorganizations to particular agencies in the county, using the  
29 spheres of influence as the basis for those recommendations. Those  
30 recommendations shall be made available, upon request, to other  
31 agencies or to the public. The commission shall make all reasonable  
32 efforts to ensure wide public dissemination of the  
33 recommendations.

34 (i) When adopting, amending, or updating a sphere of influence  
35 for a special district, the commission shall do all of the following:

36 (1) Require existing districts to file written statements with the  
37 commission specifying the functions or classes of services provided  
38 by those districts.

39 (2) Establish the nature, location, and extent of any functions  
40 or classes of services provided by existing districts.

1 SEC. 3. Section 56430 of the Government Code is amended  
2 to read:

3 56430. (a) In order to prepare and to update spheres of  
4 influence in accordance with Section 56425, the commission shall  
5 conduct a service review of the municipal services provided in the  
6 county or other appropriate area designated by the commission.  
7 The commission shall include in the area designated for service  
8 review the county, the region, the subregion, or any other  
9 geographic area as is appropriate for an analysis of the service or  
10 services to be reviewed, and shall prepare a written statement of  
11 its determinations with respect to each of the following:

12 (1) Growth and population projections for the affected area.

13 (2) The location and characteristics, including infrastructure  
14 needs or deficiencies, of any disadvantaged inhabited communities.

15 (3) Present and planned capacity of public facilities and  
16 adequacy of public services, including infrastructure needs or  
17 deficiencies.

18 (4) Financial ability of agencies to provide services.

19 (5) Status of, and opportunities for, shared facilities.

20 (6) Accountability for community service needs, including  
21 governmental structure and operational efficiencies.

22 (7) Any other matter related to effective or efficient service  
23 delivery, as required by commission policy.

24 (b) In conducting a service review, the commission shall  
25 comprehensively review all of the agencies that provide the  
26 identified service or services within the designated geographic  
27 area.

28 (c) The commission shall conduct a service review before, or  
29 in conjunction with, but no later than the time it is considering an  
30 action to establish a sphere of influence in accordance with Section  
31 56425 or Section 56426.5 or to update a sphere of influence  
32 pursuant to Section 56425.

33 SEC. 4. Section 56650.1 is added to the Government Code, to  
34 read:

35 56650.1. (a) Within 180 days of receiving a petition that meets  
36 the qualifications described in subdivision (b), a board of  
37 supervisors shall adopt a resolution of application for an annexation  
38 to a city or a reorganization that includes an annexation to a city  
39 if the affected territory meets all of the following conditions:

1 (1) The territory is all or a portion of a disadvantaged inhabited  
2 community.

3 (2) The territory is an inhabited territory.

4 (3) The territory is within the city's sphere of influence.

5 (4) The territory is contiguous to the city.

6 (b) A petition to request a board of supervisors to apply for an  
7 annexation to a city or reorganization that includes an annexation  
8 to a city shall be signed by either of the following:

9 (1) Not less than 25 percent of the registered voters residing in  
10 the territory proposed to be annexed, as shown on the county  
11 register of voters.

12 (2) Not less than 25 percent of the number of owners of land  
13 within the territory proposed to be annexed who also own 25  
14 percent of the assessed value of land within the territory as shown  
15 on the last equalized assessment roll.

16 SEC. 5. No reimbursement is required by this act pursuant to  
17 Section 6 of Article XIII B of the California Constitution because  
18 a local agency or school district has the authority to levy service  
19 charges, fees, or assessments sufficient to pay for the program or  
20 level of service mandated by this act, within the meaning of Section  
21 17556 of the Government Code.